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CONSTANCE R. WHITE
COUNTY CLERK
NO: 22-2-05527-3

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF PIERCE

TINA SZEGEDI ,

Plaintiff,

v.

WALMART INC, a Delaware Corporation, WAL-
MART TRANSPORTATION, LLC, a Delaware
Corporation, and JOHN DOES 1-5, Washington
Corporations ,

Defendant.

NO.

COMPLAINT FOR NEGLIGENCE

Plaintiff Tina Szegedi alleges:

JURISDICTION AND VENUE

1.1 This Court has subject matter jurisdiction over this cause of action under RCW
2.08.010.

1.2 Plaintiff Tina Szegedi an individual, is a resident of Everett, Snohomish County,
Washington.

1.3 Defendant Walmart Inc. is a Delaware Corporation which transacts business in Pierce County, Washington.

1.4 Defendant Wal-Mart Transportation, LLC is a Delaware Corporation which transacts business in Pierce County, Washington.

1.5 Defendants John Does 1-5 are believed to be Washington Corporations which transact business in Pierce County, Washington.

1.6 The wrongful acts alleged by Plaintiff occurred in Puyallup, Pierce County, Washington.

1.7 Jurisdiction and venue are property in Pierce County, Washington, under RCW 4.12.020, because the Defendants transact business in Pierce County, Washington and the incident took place in Pierce County Washington.

II. BACKGROUND FACTS

2.1 Plaintiff Tina Szegedi incorporates by reference and re-alleges Paragraphs 1.1 – 1.7 as if fully set forth herein.

2.2 On or about May 23, 2019, at approximately 11:15 AM, Plaintiff was injured in an incident taking place at 310 31st Ave SE, Puyallup, Pierce County, Washington.

2.3 At all times relevant, Defendant Walmart Inc. owned and managed the property at 310 31st Ave SE. Puyallup, Pierce County, Washington, also known as Store #2403.

2.4 In the alternative, Defendant Wal-Mart Transportation, LLC, owned and managed the property at 310 31st Ave SE. Puyallup, Pierce County, Washington, also known as Store #2403.

2.5 In the alternative, Defendants John Does 1-5 owned and managed the property at 310 31st Ave SE. Puyallup, Pierce County, Washington, also known as Store #2403.

2.6 At all times relevant, Plaintiff was employed by Swift Transportation Co. of Arizona, LLC, an Arizona Corporation, as a truck driver, contracted by the Defendants to deliver a trailer from the Walmart Distribution Center at 546 Woodall Rd, Grandview, Yakima County, Washington, to Walmart Store #2403 at 310 31st Ave SE, properties controlled, operated, managed, and maintained by Defendant Walmart, Inc.

2.7 On May 23, 2019, Plaintiff arrived at Walmart Store #2403 at 310 31st Ave SE and opened the pre-loaded trailer from the Walmart Distribution Center at 546 Woodall Rd. Plaintiff found several pallets of creamer and orange juice had fallen and spilled throughout the trailer due to improper loading by one or more Defendants.

2.8 Plaintiff notified Defendant's employees at store #2403, who cleaned and mopped the spill.

2.9 Defendant's pallet jack at store #2403 was out of service, and employees had to manually push pallets out of the subject trailer.

2.10 Defendants requested Plaintiff's assistance in modifying their incorrect loading and during the process, plaintiff was severely injured, injuring her shoulder, requiring surgery and ultimately suffering from rehabilitating injures.

2.11 Defendants were responsible for loading and securing the subject trailer at the Walmart Distribution Center at 546 Woodall Rd and Defendants failed to properly secure the load with bars or straps.

2.12 Defendants were negligent in controlling and maintaining the subject trailer loaded at the Walmart Distribution Center at 546 Woodall Rd, and transported to Walmart Store #2403 at 310 31st Ave SE.

2.13 Defendants were negligent in controlling and maintaining the grounds at Walmart Store #2403 at 310 31st Ave SE.

2.14 As a result of the incident, Plaintiff was seriously injured and incurred significant medical expense in an amount to be established at the time of trial.

III. CLAIMS AND CAUSES OF ACTION – NEGLIGENCE

3.1 Plaintiff Tina Szegedi incorporates by reference and re-alleges Paragraph 1.1 – 2.14 as if fully set forth herein.

3.2 Defendants were negligent in causing the subject incident of May 23, 2019 in the following respects:

a. Defendants knew off and failed to remediate the hazardous condition;

- b. Defendants failed to mark the area with safety markings or a cordon off the area to signify its unsafe condition;
- c. Defendants failed to keep the premises in a reasonably safe condition;
- d. Defendants failed to exercise reasonable care to protect Plaintiff, a business invitee, from the unsafe condition;
- e. Defendants created the unsafe condition and failed to exercise reasonable care to protect Plaintiff from the unsafe condition;
- f. Defendants failed to take any other reasonable actions to protect the public from the dangerous hazard.

3.3 Defendants had a non-delegable duty to follow applicable Washington Industrial Safety and Health Act requirements (“WISHA” as codified in Chapter 49.17 RCW and with specific regulations promulgated through WAC Chapter 296 et seq.) and applicable OSHA requirements including but not limited to those listed below, and defendants violated these and committed negligence per se:

- a. WAC 296-115-035 General requirements;
- b. WAC 296-155-040 Safe place standards;
- c. WAC 296-155-100 Management's responsibility;
- d. WAC 295-155-110 Accident prevention program;
- e. WAC 296-155-717 Training;
- f. WAC 296-800-11005 Provide a workplace free from recognized hazards;
- g. WAC 296-800-11010; 11015; 11035 Workplace safety standards;
- h. OSHA Standards No. 1926.20; 1926.21 General safety and health provisions;

3.4 Defendants are liable for the negligent acts and omissions of their employees and agents under the doctrine of respondent superior for the harm caused to Plaintiff.

3.5 Defendants owed a duty of care to Plaintiff; Defendants breached that duty of care and Defendants' breach of their duty of care was the proximate cause of the damaged to the Plaintiff identified below.

IV. DAMAGES

4.1 Plaintiff Tina Szegedi incorporates by reference and re-alleges Paragraphs 1.1 – 3.5 as if fully set forth herein.

4.2 As a result of the Defendant's negligent and wrongful conduct, Plaintiff sustained the following damages:

- a. pain, suffering and mental anguish;
- b. lost wages and employment benefits;
- c. medical and other out of pocket expenses for care and treatment; and
- d. permanent impairment.

V. REQUEST FOR RELIEF

5.1 Plaintiff Tina Szegedi requests that judgment be entered against Defendants, jointly and severally, as follows:

- a. Awarding Plaintiff special damages for her medical and out of pocket expenses, lost wages and employment benefits, and loss of earning capacity in amounts to be established at the time of trial.
- b. Awarding Plaintiff general damages for her pain, suffering, mental anguish and permanent impairment in an amount to be established at the time of trial.
- c. Awarding Plaintiff her statutory fees and costs incurred in this action.
- d. Awarding Plaintiff any further or additional relief which the Court finds equitable, appropriate or just.

1 Dated this 28th day of March, 2022.

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3 s/ William H.P. Fuld

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